

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL 0151US (P6593)

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on _____

Signature _____

Typed or printed
name _____

Application Number

09/364,375

Filed

July 30, 1999

First Named Inventor

Ronon Chayat

Art Unit

3621

Examiner

Evens J. Augustin

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

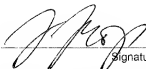
Registration number

28,994

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

Timothy N. Trop

Typed or printed name

(713) 468-8880

Telephone number

January 27, 2011

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. see below*.

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*Total of

_____ forms are submitted

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------------------|---|------------|-------------------|
| In re Applicant: | § | Art Unit: | 3621 |
| Ronen Chayat | § | | |
| | § | Examiner: | Evens J. Augustin |
| Serial No.: | § | | |
| 09/364,375 | § | Conf. No.: | 9363 |
| | § | | |
| Filed: | § | Docket: | ITL0151US |
| July 30, 1999 | § | P6593 | |
| | § | | |
| For: | § | Assignee: | Intel Corporation |
| Selectively Transmitting | § | | |
| Packets | § | | |

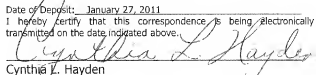
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STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

It is respectfully submitted that the final rejection simply ignores most, if not every single, limitation in the claims. Instead, it analyzes an invention which is no longer the subject of the pending claims. It analyzes priority of packets, instead of secure versus non-secure packets, as claimed. It never even addresses, much less mentions, the limitations in claim 1, for example, to identifying the "next" security packet to be transmitted. The cited references do not even relate to transmission, much less transmission of security packets. Nor is there any attempt to show that the next security packet to be transmitted is ever identified in any of the conglomeration of references. The same can be said for the next non-secure packet.

Instead, the final rejection at paragraphs a, b, c under paragraph 3, on page 2, simply continues to analyze high and low priority packets and then make the somewhat incredible proposition that high and low priority packets are the same thing as secure and non-secure packets. Secure and non-secure have no correlation to high or low priority and, thus, the analogy does not work.

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Cynthia L. Hayden

Moreover, the cited reference to Peterson does not help the rejection. It has nothing to do with the invention claimed here, which goes to transmitting packets. Peterson is simply a memory, such as a DVD, which is securing packets. If Peterson includes an identifier, this does not mean he could identify secure versus non-secure packets. This is because, in Peterson, the identifier is the same for the secure and the non-secure packets. Thus, the identifier would be no help in distinguishing the secure and the non-secure packets, nor is there any suggestion in Peterson that he has any interest whatsoever in doing so.

Specifically, if you look at Peterson in Figure 1, you can see that the identifier 24 is provided on a stack of data. The first thing in that stack is the non-secured data 26 and then, thereafter, comes the secured data 28. See column 5, line 36. There is no reason to believe that the identifier could possibly be used to distinguish the secure and the non-secure packets.

The combination of Cidon or Peterson does not meet any of the limitations of receiving a plurality of packets including security packets and non-security packets, identifying the next security packet to be transmitted, or identifying the next non-security packet to be transmitted.

The next limitation is determining whether the next security packet is ready to be transmitted. Since there is no identifying of the next security packet, there is no identifying of whether it is ready to be transmitted. The claim goes on to call for transmitting the next security packet and if the next security packet is ready for transmission, transmitting the next security packet. There is no analysis in the office action whatsoever of transmitting security packets.

In paragraph e of the final rejection, there is a discussion about determining which packet takes more time to process. But there is no implication in the claim that security or non-security packets take more time to process. The implication is that you must determine whether the next packet to be transmitted is security or non-security. The cited prior art simply does not do this.

Moreover, the claim goes on to call for processing the security packet while transmitting the non-security packet. As well as can be determined, there is no effort to analyze this limitation.

The suggestion in d that it is inherent that packet switching be utilized, assumes that packet switching is the only way to send the data. This is simply unsupported and there is no basis to conclude that there are any packets, much less security and non-security packets, in the cited Cidon reference, which seems to present an insurmountable burden to the continued reliance on either Cidon or Peterson.

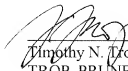
In paragraph 4, on page 4, it is suggested that Cidon does not explicitly recite how priority is assigned. It seems that this is irrelevant since priority is nowhere specified in the claim language. It is suggested that Taniguchi teaches a method for transmitting data packets across the network based on priority. Of course, there is no such limitation in any of the claimed elements and, therefore, the analysis seems misplaced.

Paragraph 5 argues that it would be obvious to combine Cidon and Taniguchi in order to more effectively distribute audio or video data over a packet switching network. This is not a reason why you would need to identify the next security or non-security packet, send the security packet, if it is ready, process the security packet if it is not, while sending the non-security packet in any of the cited references. The fact that modification of the references might be done to more effectively distribute audio and video data does not result in a system for transmitting security and non-security packets.

Thus, the rejection of claim 1 should be reconsidered.

Respectfully submitted,

Date: January 27, 2011



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